

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN E. WEBB,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. 12-CV-5196 RJB/KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF #20). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for a de novo hearing, and a new decision.

This Court recommends that on remand the ALJ will (1) update the treatment evidence on the claimant's medical condition; (2) expressly evaluate the treating, examining, and non-examining medical source opinions in the updated record, and explain the reasons for the weight he gives to this opinion evidence; (3) further consider the claimant's residual functional capacity on the updated record, citing specific evidence in support of the assessed limitations; (4) further consider whether the claimant has past relevant work he could perform with the limitations established by the evidence; and (5) secure supplemental evidence from a vocational expert to

1 clarify the effect of the assessed limitations on the claimant's occupational base.

2 Plaintiff will be afforded the opportunity to appear and testify at a de novo hearing.

3 Plaintiff may submit additional evidence and arguments on remand. Those other aspects of the
4 ALJ's prior decision not specifically addressed here are not affirmed.

5 This Court hereby reverses the Commissioner's decision under sentence four of 42
6 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. *See*,
7 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney fees
8 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request
9 to this Court.

10 Judgment is for the Plaintiff and the file shall be closed.

11 Given the fact of the parties' stipulation, the Court recommends that the District Judge
12 immediately approve this Report and Recommendation and order the case **REVERSED** and
13 **REMANDED**. A proposed order accompanies this Report and Recommendation.

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15 DATED this 28th day of August, 2012.

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19 Karen L. Strombom
20 United States Magistrate Judge
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